

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 7, 1994
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:09 p.m. Council Member Stevens invited Mayor Golding and the Council Members to attend the Third Annual Fourth Council District Arts and Cultural Festival which will be held the Saturday before Easter of April 1995. This year's theme entitled "The Stars Come Home," will recognize San Diegans who left San Diego to become stars in various professions. Mayor Golding adjourned the meeting at 3:15 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Roberts-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (ew)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present

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- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Darryl Larson of Clairemont Covenant.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Roberts.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding the power of the Mayor and Council Members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A056-089.)

ITEM-PC-2:

Comments by Art Salzberg regarding the Convention Center Hall Annex.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A090-112.)

ITEM-PC-3:

Comments by Steven Ferguson regarding the Tax Liaison
Committee of the Metropolitan Transit Development Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A120-135.)

ITEM-PC-4:

Comments by Darlene Davis regarding the mistakes made in the
MTDB's ballot which were names changed, different
categories, positions changed, and allowing only 6 days to
return the second ballot.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A136-172.)

ITEM-PC-5:

Comments by Larry Milligan regarding the homeless shelters
in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A173-215.)

ITEM-PC-6:

Comments by Jim Varvedere regarding Proposition 187 and
courage.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A216-239.)

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Mayor Golding regarding the proper docketing
procedures of the City Council.

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FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A240-278.)

ITEM-CC-2:

Comments by Council Member Stevens accepting and having no problem with the proper docketing procedures.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A279-304.)

ITEM-CC-3:

Comments by Council Member Vargas regarding the informal communication of docketing of an item and not writing a 1472.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A305-333.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:
10/18/94
10/19/94
10/24/94 Adjourned
10/25/94 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A334-339.)

MOTION BY WARDEN TO APPROVE. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: High Hopes Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-673) ADOPTED AS RESOLUTION R-284862

Proclaiming November 7, 1994 to be "High Hopes Day" in San Diego and commending the program as well as Mike Duckor of Duckor and Spradling; Dave Whitson of McInnis, Fitzgerald, Rees & Sharkey;

Kathleen Strozza of Milberg, Weiss, Bershad, Specthrie & Lerach; Susan Scott of Lorber, Volk, Greenfield & Blick; Jim Dow of Latham & Watkins; and George Green of Computer Science Services for participating in making the program the success that it is.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A340-492.)

MOTION BY VARGAS TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Western Division Day.

COUNCILMEMBER ROBERTS' RECOMMENDATION:

Adopt the following resolution:

(R-95-672) ADOPTED AS RESOLUTION R-284863

Congratulating Sergeant Nancy Hawkins and her squad of the Western Division: Officers Heidi Hawley, Pat Vinson, Paul Wright, Steve Hobbs, Rick Edgil, Merrit Blunt and Chris Cameron, on their exceptional performance in the San Diego riverbed Problem Oriented Policing Project;

Proclaiming Monday, November 7, 1994 to be "Western Division Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A493-640; B112-114.)

MOTION BY MATHIS TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33:

SUBJECT: Linda Bridges Pennington Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-95-685) ADOPTED AS RESOLUTION R-284864

Recognizing the outstanding contribution that Linda Bridges Pennington has made to the citizens of San Diego;

Proclaiming November 7, 1994 to be "Linda Bridges Pennington Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A641-B070; B112-114.)

MOTION BY MATHIS TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34:

SUBJECT: United States Marine Corps Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-95-660) ADOPTED AS RESOLUTION R-284865

Recognizing the men and women of our Marine Corps on the occasion of the 219th Anniversary of the United States Marine Corps;

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Declaring November 10, 1994 to be "United States Marine Corps Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B071-114.)

MOTION BY MATHIS TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

*** ITEM-50:**

SUBJECT: Amending San Diego Municipal Code, Section 86.01, Relating to Parking Enforcement.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-95-31) INTRODUCED, TO BE ADOPTED ON NOVEMBER 28, 1994

Introduction of an Ordinance amending Chapter VIII, Article 6, of the San Diego Municipal Code by amending Section 86.01, relating to Parking Enforcement, by deleting Columbus Day from the list of non-enforcement days and adding Presidents' Day to the list of non-enforcement days.

CITY MANAGER SUPPORTING INFORMATION:

Columbus Day is currently on the list of non-enforcement days in San Diego Municipal Code Section 86.01. Since the introduction of the floating holiday, however, Columbus Day is no longer recognized as a City holiday (21.04 S.D.M.C.). Removing Columbus Day from the list of non-enforcement days would provide improved service to the public by promoting the turnover of available parking spaces. In addition, the City is paying the salaries of 40 Parking Enforcement Officers (P.E.O.'s) for Columbus Day, but the P.E.O.'s cannot effectively enforce the parking regulations due to the current Columbus Day exemption. President's Day should be added to the list of non-enforcement days, since it already is a City holiday.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO INTRODUCE. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Awarding a Contract for the Purchase of One Forklift
for the Metro Wastewater Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-480) ADOPTED AS RESOLUTION R-284866

Awarding a contract to Bengal Equipment & Tractor Co.
(El Cajon, CA), for the purchase of one forklift for
the Metro Wastewater Department, for an actual cost of
\$45,038.44, including tax, with options to buy
additional forklifts at the bid price for a period of
six months after the date of the original purchase
order;

Authorizing the expenditure of not to exceed \$45,038.44
from Fund No. 50033, Department No. 8203, Organization
No. N/A, Object Account No. 6013, and Job Order No.
88085;

Authorizing the City Auditor and Comptroller, upon
advice from the administering department, to transfer
excess budgeted funds, if any, to the appropriate
reserves. (BID-B4479/95)

Aud. Cert. 9500447.

FILE LOCATION: CONT - Purchase - Bengal Equipment & Tractor
Co. (El Cajon, CA) CONFY95-1

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Awarding a Contract to Allstar Fire Equipment Co. for
Furnishing Fire Hoses and Fittings.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-631) ADOPTED AS RESOLUTION R-284867

Awarding a contract to Allstar Fire Equipment Company
(Baldwin Park, CA) for furnishing fire hoses and
fittings, Items 3 through 12, as may be required for a
period of 1 year beginning July 1, 1994 through June
30, 1995, for an initial contract period of
\$190,546.14, including tax, with an option to renew the
contract for 2 additional one year periods, with option
year terms to be negotiated at the time of the option
year, and authorizing the trade-in of existing hose to
Allstar Fire Equipment Company for a credit of 10
percent of the price of new hose. (BID-E4546/95)

FILE LOCATION: CONT - Purchase - Allstar Fire Equipment
Company (Baldwin Park, CA) CONFY95-1

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Awarding Contracts for Furnishing Cold Mix and Super
Mix Asphalt.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-481) ADOPTED AS RESOLUTION R-284868

Awarding a contract to Industrial Asphalt (Los Angeles,
CA) for furnishing cold mix and super mix asphalt, as
may be required for a period of one year beginning
October 1, 1994 through September 30, 1995, for a total

estimated cost of \$307,614, including tax and terms, with the option to renew the contract for three additional one year periods with increases not to exceed 5 percent of the prices in effect in each prior period.

(BID-I4507/95)

FILE LOCATION: CONT - Purchase - Industrial Asphalt (Los Angeles, CA) CONTFY95-1

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Inviting Bids for the Construction of Ocean Beach Revitalization - Phase 2, Niagara Avenue and Sunset Cliffs Boulevard.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-585) ADOPTED AS RESOLUTION R-284869

Inviting bids for the Construction of Ocean Beach Revitalization - Phase 2, Niagara Avenue and Sunset Cliffs Boulevard on Work Order No. 119926;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of up to \$5,968.75 from Fund 18524, Dept. 5663, Org. 6313, \$27,350.23 from Fund 18525, Dept 5883, Org. 8301, \$41,000 from Fund 18526, Dept 5893, Org. 9304, \$71,265 from Fund 18527, Dept. 4013, Org. 1306, and \$89,877.02 from Fund 18528, Dept. 4022, Org. 2211, for a total of \$235,461, including the construction contract and other project costs from CIP-37-324.0, Ocean Beach Street Improvements, for this project and related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves upon project completion.

(BID-K95040)

CITY MANAGER SUPPORTING INFORMATION:

This project is the second phase of improvements for the Newport Avenue Business District in Ocean Beach. Improvements on Niagara Avenue between the pier and Sunset Cliffs Boulevard and on Sunset Cliffs between Niagara and Del Monte include: 24 additional pedestrian lights and replacement of curbs and sidewalks where needed. Future maintenance is to be paid for by the adjacent property owners through an expansion of the existing Ocean Beach Lighting Assessment District.

Aud. Cert. 9500091.

FILE LOCATION: W.O. 119926 CONT-ABC Construction Co. Inc.
CONFY95-1

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Inviting Bids for the Construction of Epoxy Deck
Treatment of Harbor Drive Overhead (Bridge 57C-196).

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-586) ADOPTED AS RESOLUTION R-284870

Inviting bids for the Construction of Epoxy Deck
Treatment of Harbor Drive Overhead (Bridge No. 57C-196)
on Work Order No. 322247;

Authorizing a contract with the lowest responsible
bidder;

Authorizing the expenditure of not to exceed \$340,000
from Gas Tax Bridge Maintenance Fund 30219;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-K95041)

CITY MANAGER SUPPORTING INFORMATION:

In recent years, delaminations and linear cracks have occurred on
the bridge deck of Harbor Drive Overhead. If the delaminations
are not repaired and the linear cracks are left untreated, the
reinforcing steel will be susceptible to water and chloride
intrusion, thus endangering the structural integrity of the
bridge. This project will repair and overlay the bridge deck
surface so it will be sealed and protected from water and
chlorides.

Aud. Cert. 9500431.

FILE LOCATION: W.O. 322247 CONT-L.R. Hubbard Construction
Co. CONFY95-1

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Inviting Bids for Construction of Canyonside Community
Park - Phase III.

(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-584) ADOPTED AS RESOLUTION R-284871

Inviting bids for the Construction of Canyonside
Community Park - Phase III on Work Order No. 119677;

Authorizing a contract with the lowest responsible
bidder;

Authorizing the Auditor and Comptroller to transfer \$212,100 from Park View Estates - Other Park and Recreation Facilities Fund No. 392044 to CIP-29-753.0, Canyonside Community Park - Phase III;

Authorizing the expenditure of \$883,000 from CIP-29-753.0, Canyonside Community Park - Phase III, Park View Estates - Other Park and Recreation Facilities Fund No. 392044;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K95039)

CITY MANAGER SUPPORTING INFORMATION:

Canyonside Community Park is a forty-three acre multi-purpose facility located west of Black Mountain Road adjacent to Los Penasquitos Canyon Preserve. The proposed project will provide paved roadway, additional parking, picnic facilities, horseshoe pits and a storage area.

Aud. Cert. 9500322.

FILE LOCATION: W.O. 119677 CONT - Western Landscape
Construction CONFY95-1

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Easement Grant of Natural Gas Pipeline to Serve Otay Mesa.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-674) ADOPTED AS RESOLUTION R-284872

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company, an easement in Lot 7, Otay Ranch, Map-862, for natural gas service to the

Eastlake Community of Otay Mesa.

CITY MANAGER SUPPORTING INFORMATION:

SDG&E is proposing to purchase an easement from the City across Water Utilities Land westerly of Otay Lakes. The easement area which bisects the City's aqueduct is 100 feet long and 40 feet wide. The easement is necessary to provide natural gas to the Eastlake Community. A fair market value appraisal as of August 15, 1994 established the value of the easement at \$1,000. City staff concurs with this value. The Water Utilities Department has reviewed the easement request and has approved it.

FILE LOCATION: DEED F-6387 DEEDFY95-1

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Conflict of Interest Code for the General Services
Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-614) ADOPTED AS RESOLUTION R-284873

Adopting a Revised Conflict of Interest Code for the
General Services Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: National Coalition of 100 Black Women Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-95-661) ADOPTED AS RESOLUTION R-284874

Commending the National Coalition of 100 Black Women, Inc., San Diego Chapter, on their installation and commitment;

Proclaiming November 12, 1994 to be "National Coalition of 100 Black Women Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Third Annual Fourth Council District Arts and Cultural Festival.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-95-696) ADOPTED AS RESOLUTION R-284875

Waiving the provisions of Council Policy 100-2 to allow receipt of donations for the Third Annual Fourth Council District Arts and Cultural Festival on the second Saturday of April, 1995, and years thereafter;

Continuing and appropriating the Fourth Council District Arts & Cultural Fund for the purpose of the event and appropriating any carry over monies from the previous year for the purpose for which the fund was created;

Authorizing the City Manager to execute all contracts necessary regarding the event, the contracts to be funded to the extent of monies donated and received by the Auditor and Comptroller;

Approving the proposed budget for the Third Annual Fourth Council District Arts and Cultural Festival to be held on Saturday, April 8, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Accepting Funds for the Madrone Avenue Drain.

(Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-688) ADOPTED AS RESOLUTION R-284876

Authorizing the City Manager to accept \$22,172 from Federal Emergency Management Agency (FEMA), Fund No. 30330, and \$5,543 from State Office of Emergency Services (OES), Fund 30331, (plus additional funds received should cost overruns occur) for Madrone Avenue Drain;

Increasing the FY 95 Capital Improvement Program Budget by adding CIP-12-079.0, Madrone Avenue Drain for \$22,172 from FEMA and \$5,543 from OES;

Authorizing the Auditor and Comptroller to transfer not to exceed \$27,785 from CIP-17-001.0, Annual Allocation - Minor Drain Requirements, TransNet Fund 30300 to CIP-12-079.0, Madrone Avenue Drain;

Authorizing the expenditure of not to exceed \$55,000 from CIP-12-079.0, Madrone Avenue Drain for Change

Order No. 2 and other costs related to drain improvements in Encanto Neighborhood Park Improvements, CIP-29-443.0;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

During January and February 1993, severe storms caused slope failure to occur near the existing storm drain system adjacent to 6788 Madrone Avenue. This project, Madrone Avenue Storm Drain, extends the 18" RCP storm drain and slope to prevent future slope failure and impact to the Encanto Neighborhood Park. This project is currently being constructed by Change Order No. 2 to the Encanto Neighborhood Park Project to ward off winter storm impact and to utilize an exceptionally low price for work to be done by the onsite contractor. It was necessary to mobilize the contractor as soon as possible to avoid scheduling conflicts in the park's critical path functions. Completing this project before October 1, 1994 also qualifies this project for FEMA and OES funding being accepted by this action.

Aud. Cert. 9500442.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Maintenance of Linda Vista Road Landscaping.

(Linda Vista Community Area. Districts-5 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-682) ADOPTED AS RESOLUTION R-284877

Authorizing the expenditure of an amount not to exceed \$80,000 from Gas Tax Fund No. 30219, for the purpose of

the maintenance of Landscaping of Linda Vista Road.

CITY MANAGER SUPPORTING INFORMATION:

On June of 1994 the City accepted the landscaping that had been installed by City contract on Linda Vista Road between Genesee Avenue and Alcala Knolls Drive. The City has now assumed responsibility for the watering and maintenance of this landscaping. While a landscape maintenance district has been established for the area, it had been anticipated that Sewer Revenue Funds would be utilized to maintain the landscaping until the Fiesta Island Sludge Pipeline was constructed. Therefore a "zero" assessment was established for Fiscal Year 1994. Recently, it was determined that this would not be a correct use of the Sewer Revenue Fund until construction is under way. In order to maintain the landscaping this fiscal year, it is proposed that Gas Tax be utilized. Decisions on how to provide for maintenance in subsequent years will be considered in spring of 1995 when all the City's Landscape Maintenance Districts are considered.

Aud. Cert. 9500454.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112: CONTINUED TO NOVEMBER 28, 1994

SUBJECT: Amendment and Restatement of the Long Term Disability
Income Plan.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-621)

Approving an amendment to the Long Term Disability
Plan.

CITY MANAGER SUPPORTING INFORMATION:

The Long Term Disability Income Plan has been amended and restated pursuant to the City's agreement with employee

organizations as of July 1, 1994. The following amendments apply to any disability claims occurring on or after July 1, 1994:

- 1) The City will pay the participant's flexible benefit coverage up to a maximum of one year. After the first year, the City will pay only the participant's health and life insurance premiums for a maximum of one additional year. The participant will then be referred to COBRA (Consolidated Omnibus Budget Reconciliation Act) for continuation of health coverage.
- 2) Long Term Disability coverage will not provide for: a) any industrial related injury or illness; b) any mental or nervous/stress disorders including any symptoms resulting from mental or nervous/stress disorders; and c) continued participation in the Long Term Disability Income Plan upon the effective date of retirement under the City Employees' Retirement System.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO CONTINUE TO NOVEMBER 28, 1994 AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Second Amendment to the Industrial Medical Services Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-691) ADOPTED AS RESOLUTION R-284878

Authorizing the execution of a second amendment to the agreement with Sharp Rees-Stealy Medical Group, Inc. (San Diego, CA), to extend the terms and conditions of the contract on a month to month basis, not to exceed a three month period;

Authorizing the expenditure of not to exceed \$261,366 from Fund 60029 for this purpose.

CITY MANAGER SUPPORTING INFORMATION:

The second amendment to the agreement with Sharp Rees-Stealy Medical Group (SRSMG) would extend the terms and conditions of the agreement on a month to month basis, not to exceed a three month period, at the discretion of the City Manager. The City of San Diego entered into a contractual agreement, pursuant to Resolution No. R-280645 on September 15, 1992 for a two year period with SRSMG to provide medical treatment to the City's industrially injured and ill employees. This contractual agreement was extended for a sixty day period pursuant to Resolution No. R-284577.

The contractual agreement with SRSMG expires on November 13, 1994. The City Manager is presently involved in negotiations with the top two medical proposers recommended by the Industrial Medicine Selection Committee. The top two proposers are Sharp Rees-Stealy Medical Group and the Industrial Medical Centers. City Manager's Report CMR-94-295 outlines the Industrial Medicine Selection Committee's process and results. The month to month extension is required due to the need for additional time to conclude negotiations with the proposers and process the City Manager's recommendation to the City Council.

Aud. Cert. 9500432.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: CONTINUED TO NOVEMBER 28, 1994

SUBJECT: Two actions related to the North Metro Interceptor
Sewer-Phase I.

(Midway and Pacific Highway Community Areas.
Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-694)

Establishing contract funding phases to construct the North Metro Interceptor - Phase I;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,990,947 within Fund No. 41508, consisting of \$160,088 from CIP-46-182.0, Chemical Feed Systems Upgrade; \$2,798,913 from CIP-46-181.0, Force Main 1 & 2 Corrosion Study; \$531,946 from CIP-45-910.1, Trucked Liquid Waste Disposal; and \$500,000 from CIP-46-110.0, Point Loma - Scum Removal System, all to CIP-46-104.0, North Metro Interceptor Sewer;

Authorizing the expenditure of not to exceed \$47,150,000 from Fund No. 41508, CIP-46-104.0, North Metro Interceptor Sewer - Phase I, to provide funds for the above project and related costs, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contracting funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Authorizing the use of City Forces to do all the work for additional minor construction services as required in connection with the North Metro Interceptor Sewer - Phase I; declaring that the cost of the work shall not exceed \$50,000.

Subitem-B: (R-95-695)

Certifying that the information contained in DEP-94-0557, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the Declaration reflects the independent judgement of the City of San Diego as Lead Agency;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by Council, in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

On August 1, 1994, Resolution R-284371 authorized the Purchasing Agent to advertise for bids and Resolution R-284372 certified the EIR for North Metro Interceptor Sewer-Phase 1 Project (NMIS). The existing NMIS is a 96-inch diameter pipe which was built in 1961.

This pipe has experienced some corrosion and is quickly reaching its design capacity. The NMIS is located between the Interstate 5 and 8 interchange and Pump Station No. 2 which is located on North Harbor Drive.

It is a major link in the sewer collection system which carries flows from the northern and northeastern portions of the City and County. The proposed NMIS is a 108-inch diameter relief sewer pipe which originates at the intersection of Friars Road and Napa Street, traverses south under the San Diego River, Taylor Street and Pacific Highway, and terminates at Gearing Drive and Barnett Avenue. Phase II through Navy and Marine property will be brought to Council for authorization to bid and construct in about one year. The proposed NMIS is designed to carry the projected flow through year 2050. With this construction, approximately 90 local jobs would be provided.

Aud. Cert. 9500455.

WU-MWWD-95-047.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO CONTINUE TO NOVEMBER 28, 1994 AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Proposed Amendment to Chapter II, Article 3, Division 3 of the San Diego Municipal Code by amending Section 23.0304 (Rule II of the Civil Service Commission)

relating to Acceptance and Rejection of Applications.

CIVIL SERVICE COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-95-24) INTRODUCED, TO BE ADOPTED ON NOVEMBER 28, 1994

Introduction of an Ordinance amending Chapter II, Article 3, Section 23.0304 of the San Diego Municipal Code, to allow the acceptance of late applications for good cause.

SUPPORTING INFORMATION:

The Civil Service Commission, at its meeting on September 1, 1994, approved the revision to the Civil Service Rule II, which is contained in San Diego Municipal Code Section 23.0304. Changes in the rule were initiated to improve operational policies and procedures of the Personnel Department. Since its December 1992 regular meeting, the Civil Service Commission has heard ten separate appeals to reopen an examination's application filing period in order to accept application materials submitted after the final closing date. Staff was compelled to bring these appeals forward, as the limited provisions currently outlined in the Civil Service Commission Rules and Personnel Manual do not allow for independent staff discretion in this matter.

The revision of Civil Service Rule II, Section 4(3) will allow the approval of a late application for good cause. This would allow the applicant to compete if otherwise qualified. This will aid in the expeditious processing of applications and the establishment of an eligible list to fill existing vacancies.

REVISION TO CIVIL SERVICE RULE II:

- (3) Applications shall be stamped with the date and time of filing in the office of the Commission and must be filed within the prescribed time limits, unless waived for good cause.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B240-251; B284-286.)

MOTION BY MATHIS TO INTRODUCE. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Proposed amendment to Chapter II, Article 3, Division 6, of the San Diego Municipal Code by amending Sections 23.0603 and 23.0604 (Rule V, Sections 3 & 4 of the Rules of the Civil Service Commission) relating to the City's Layoff Policies and Procedures.

CIVIL SERVICE COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-95-23) INTRODUCED, TO BE ADOPTED ON NOVEMBER 28, 1994

Introduction of an Ordinance amending Chapter II, Article 3, Division 6, Sections 23.0603 and 23.0604 of the San Diego Municipal Code.

SUPPORTING INFORMATION:

The Civil Service Commission, at its meeting on June 2, 1994, approved the revisions to Civil Service Rule V, which are contained in Sections 23.0603 and 23.0604 of the San Diego Municipal Code. Changes in these sections are required to implement the revisions to the City's Layoff Policies and Procedures which were negotiated during the Meet and Confer process for FY 1995. Specifically, Section 23.0603 has been revised so that unrepresented employees and employees represented by the Municipal Employees Association and Local 127 A.F.S.C.M.E, AFL-CIO, will have their seniority calculated based on the most recent hire date with the City.

Section 23.0604 has been revised to increase a permanent employee's Job Rights to any equal or lower classifications previously held with satisfactory service.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B115-239.)

CONSENT MOTION BY MATHIS TO INTRODUCE. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:15 p.m. in honor of the memories of Stephen Tornay and William G. Bailey as requested by Attorney Witt.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B289).